

MESSAGE FROM THE CHIEF JUSTICE OF KENYA

I am delighted that the Judicial Training Committee jointly with the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders (UNAFEI) are able to jointly organize this seminar on Effective Administration of Juvenile Justice. The Office of the Chief Justice appreciates that Juvenile Justice should be viewed and conceived as an integral part of natural development process of a society, with a comprehensive framework of Social Justice for all Juveniles. To realize effective administration of Juvenile Justice, this seminar has brought together all Justice Agencies involved in Criminal and Juvenile Justice.

These are:

The Judicial Department;
The Attorney-General's Prosecution Department;
The Police Department;
The Prison Department;
The Children Department;
The Probation and After Case Services Department;
The Criminal Investigation Department; and
Several Non-Governmental Organizations such as:

- *Save the Children U.K. (S.C.F.);*
- *International Federation of Women Lawyers (FIDA);*
- *Law Society of Kenya (L.S.K.);*
- *International Commission of Jurists Kenya (I.C.J.);*
- *Kituo cha Sheria;*
- *The African Network for the Prevention and*
- *Protection Against Child Abuse and Neglect (ANPPCAN); and*
- *United Nations Children's Fund (UNICEF).*

The seminar is unique and a pioneer Kenya-UNAFEI joint seminar will create awareness of the need for corporation and coordination in administration of Juvenile Justice among all Juvenile Justice Agents. I believe that the seminar will come up with concrete suggestions, appropriate practical and valuable recommendations on Juvenile Justice.

I would like to thank the Government of Japan, the Japan International Cooperation Agency (JICA) and UNAFEI for their corporation and support of this seminar. I would like to thank the organizers of the seminar and all participants who will make the seminar a success.

Hon. Mr. Bernard Chunga, MBS, EBS
Chief Justice of Kenya

MESSAGE FROM THE ATTORNEY-GENERAL OF KENYA

The Office of the Attorney General appreciates with great pleasure that the United Nations Asia and Far East Institute of the Prevention of Crime and Treatment of Offenders (UNAFEI), the Judicial Training Committee, Kenya, and the Government of Kenya shall hold a joint seminar on *Effective Administration of Juvenile Justice* in Kenya from August 14 - 17, 2001 in Nairobi.

The Government of Kenya recognizes that a sound social and economic base is important in formulating policies, strategies, programmes and legislation in fulfilling the rights of children, and it ratified the *Convention on the Rights of the Child on July 30, 1990*. A Task Force was appointed to review the existing laws concerning the rights and welfare of the children and make appropriate recommendations to give effect to the Convention and the African Charter on rights and welfare of children. The Task Force recommended a comprehensive Children Bill which was approved by Cabinet and is now in Parliament awaiting enactment to become law.

This seminar is timely for there is now greater need for co-operation, co-ordination and joint effort on the part of all Criminal and Juvenile Justice Agents in this country and beyond in order to effectively administer Juvenile Justice.

On behalf of the Kenya Government, I would like to extend my gratitude to the Government of Japan, the Japan International Cooperation Agency (JICA) and UNAFEI for their corporation and support in making this joint seminar a reality. I am confident that the experiences exchanged and the recommendations that will emanate from the Joint Seminar will greatly improve the effective administration of Justice in Kenya.

Hon. Mr. Amos Wako, EGH, EBS, MP
Attorney - General

MESSAGE FROM THE REGISTRAR OF HIGH COURT OF KENYA

The Government of Kenya, through the Judicial Training Committee and the Ministry of Home Affairs jointly with UNAFEI, organized the seminar on *Effective Administration of Juvenile Justice* which will commence from 14 to 17 August, 2001. The seminar is the first of its kind that has brought together all Government Departments that deal with Juvenile Justice and Non-Governmental Organizations that deal with Juvenile Justice.

Juvenile Justice is a matter of concern and a common goal for all countries of the world. To achieve this goal, all Juvenile Justice Agents are required to ensure effective Administration of Juvenile Justice despite the global, environmental, behavioural and social changes in every country.

The seminar aims at sensitizing all criminal Justice Agencies of the need to cooperate and coordinate in contributing to improvement of Juvenile Justice policies and administration to ensure that the rights and privileges of all Juveniles are safeguarded. It is necessary to sensitize everyone involved in Administration of Juvenile Justice in all matters relating to children as beneficiaries of child rights or as victims of crime. It will also be equally important for the Community and Child Guardians to be involved and ensure implementation of all activities and policies passed. In this regard, it is very important to have this seminar,.

The general objective of the seminar is to improve and sustain administration of Juvenile Justice, specifically to enhance and promote corporation and coordination, create awareness of the importance of such coordination and corporation, identify problems and suggest solutions that hamper such coordination and corporation.

The seminar comprises of topics such as:-

- The Importance of Coordinating Juvenile Justice Agencies;
- The Role of Public Prosecutors in Juvenile Justice;
- The Role of Kenyan Police in Juvenile Justice;
- The Role of Criminal Investigation Department in Juvenile Justice;
- The Role of Judiciary in Juvenile Justice;
- The Role of the Prison, the Probation and Children's Departments in Treatment of Juvenile Delinquents;
- The Role of Non-Government Organizations in Juvenile Justice Reform;
- Juvenile Justice Reform; and
- UNICEF Approach to the Administration of Juvenile Justice.

It is expected that Juvenile Justice experts from Kenya and UNAFEI will make great contributions to making the seminar meaningful and productive and that concrete recommendations of the seminar will be useful in enhancing effective administration of Juvenile Justice, both locally and internationally.

Mr. Jacob Ole Kipury
Registrar,
High Court of Kenya

MESSAGE FROM THE DIRECTOR OF UNAFEI

As the Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), I wish to convey our pleasure in collaborating with the Government of Kenya, especially with the Judicial Training Committee of the High Court, to conduct the Kenya-UNAFEI Joint Seminar on *Effective Coordination and Cooperation of Criminal Justice Agencies in the Administration of Juvenile Justice from August 14 to 17, 2001*.

Since its establishment in 1961, UNAFEI — an affiliated regional institute of the United Nations — has been dedicated to contributing to the sound social development of countries in the Asia-Pacific region and in other parts of the world, by promoting the prevention of crime and the improvement of criminal justice administration. The realization of such international forums as the Kenya-UNAFEI Joint Seminar represents our efforts to locally address the urgent and contemporary problems of those countries. This Joint Seminar is the first joint seminar to be held in the African continent to open the 21st century. By sharing the knowledge and experience accumulated at UNAFEI, we hope to assist in the improvement of criminal justice systems in Kenya.

UNAFEI strongly believes that the Joint Seminar will prove to be an excellent opportunity for the distinguished criminal justice officials of Kenya to examine issues and problems in dealing with juvenile delinquency. The significance of this issue has been paid full attention by the United Nations, with the adoption of *The Vienna Declaration on Crime and Justice: Meeting the Challenges of the 21st Century, held in Vienna in April 2000*, which stresses the importance of undertaking measures to prevent juveniles from becoming delinquent, by developing comprehensive crime prevention strategies addressing the root causes and risk factors related to crime. To this end, the UNAFEI faculty and I look forward to active discussions and analysis of juvenile Justice issues at the Joint Seminar.

I would like to pay tribute to the Government of Kenya and the Japan International Cooperation Agency for their strong support and corporation in realizing this long-awaited project. I genuinely hope that the auspicious occasion of the Kenya-UNAFEI Joint Seminar will produce valuable recommendations for strengthening the Juvenile Justice administration in Kenya.

Mr. Mikinao Kitada
Director, UNAFEI

**MESSAGE FROM THE RESIDENT REPRESENTATIVE,
JICA KENYA OFFICE**

JICA was delighted to learn that the Kenya Judicial Training Committee in collaboration with Office of the President, the Ministry of Home Affairs, Heritage and Sports and the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders (UNAFEI), Tokyo, Japan were jointly organizing a seminar on *Effective Co-ordination and Co-operation of Criminal Justice Agencies in the Administration of Juvenile Justice in Kenya*.

The JICA Kenya Office, has witnessed fruitful collaboration and co-operation between Kenya and UNAFEI since 1972, when UNAFEI started offering training opportunities to officers from the Kenyan Judiciary, Police, Probation, Prison and Children's Service Departments. JICA, Kenya Office is pleased to have been involved in the seminar's organization as it is the very first UNAFEI Joint Seminar organized and held outside Asia.

JICA has been keen to support human resource development as a means of improving human welfare and social development. It is in this context that JICA assists UNAFEI and countries, like Kenya, in their efforts to establish effective administration of justice, prevention of crimes and rehabilitation of offenders.

The problems and complexities related to the administration of juvenile justice continue to increase proportionately to the rate of unemployment, poverty levels and coupled with the increasing numbers of criminals. The mass media has also contributed in some ways towards criminal tendencies and especially among the youth. On the other hand, the international conventions on "Rights" require that every nation observes human rights when dealing with criminals.

It is prudent therefore to have international collaboration and co-operation among agencies and institutions that are concerned with the administration of justice. It is our belief that for sustainable human development, observation of human rights, democratisation, prevention of crimes and the prevalence of peace are indispensable. It is in light of this that JICA happily accepted to financially support joint seminars between various countries and UNAFEI.

We wish all the participants and the organizers a very successful and fruitful seminar. It is my hope that the exchange of views and knowledge gained during this seminar will greatly enhance the administration of Juvenile Justice in Kenya.

Mr. Masaaki Otsuka
Resident Representative, JICA Kenya Office

GENERAL RAPPORTEUR'S REPORT

I. INTRODUCTION

This Joint Seminar was held between the 14 and 17 August 2001. The Seminar was held at Utalii Hotel, Nairobi, Kenya. It was jointly funded by the Government of Kenya and the Japanese International Cooperation Agency (JICA). Participants were drawn from UNAFEI, UNAFRI, Heads of Government Departments, from various Ministries of the Kenyan Government, the Judiciary through to the Judicial Training Committee and NGOs. The Chairman of the Judicial Training Committee, Justice Tunoi, coordinated the whole seminar with the assistance of Mrs. Wachira, a Magistrate attached to the Judicial Training Committee.

Mr. Robert Mutitu, a Chief Magistrate and the National Coordinator (of CSO), was the General Rapporteur of the Seminar. A full list of Participants is annexed to the Rapporteurs report herein. The programme for the four days event is also annexed.

Participants were treated to an evening reception during the first day which was hosted by JICA and attended by JICA's Resident Representative Mr. Otsuka who welcomed the participants to the function. After the closing seminar, an official dinner hosted by the Kenyan judiciary was held in honor of the participants.

II. OFFICIAL OPENING

The Official Opening was attended by the Chief Justice Mr. Bernard Chunga, the Japanese Ambassador, Mr. Morihisa Aoki, the Permanent Secretary of the Ministry of Home Affairs, Heritage and Sports, Mrs. Bernedette Musundi, the Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Mr. Mikinao Kitada, and the Chairman of the Judicial Training Committee, Justice P.K. Tunoi among other distinguished guests.

Justice Tunoi gave the welcoming remarks during which he emphasized the importance of the Seminar as it was taking place at a time when the Kenya Children Bill was pending in Parliament for debate and when the Kenyan Government was giving serious consideration on problems facing children as emphasized by the Vice President when he recently urged the stakeholders to strive and observe children rights as per the law and by taking appropriate measures. Justice Tunoi briefly outlined the evolutionary trend of the importance placed upon children from their being treated as insignificant to the present requirement on their treatment. He referred to the court as the parent of the infants as highlighted in Kenya by the case of *Yasmin V Mohamed* in 1973.

Justice Tunoi gave the objectives of the seminar and stated that the seminar will create more awareness in the country and lead to an improvement of the child rights as required by the Convention on the Rights of the Child. Referring to the seminar, he said that it gave Kenya a great opportunity for exchanging views with the experts from UNAFEI. Justice Tunoi expressed the hope that the seminar recommendations will be implemented and enhance the administration of juvenile justice. On behalf of the organising committee, Justice Tunoi paid tributes to JICA, UNAFEI, the Government of Kenya and both the Japanese Ambassador and Chief Justice for their attendance. He invited the Japanese Ambassador to make his remarks.

H. E. Mr. Aoki, Ambassador of Japan, made remarks, briefly touching on Japanese experience and problems in addressing juvenile issues after World War II. In general he said that some children have no problems but need skills only for productive living. The police, judges and family court probation officers collaborate in dealing with children matters, assessing the family and social background of the juveniles. The family court probation officers play a dual role of prosecutor and advocate in the family courts presided by the family court judges. The Ambassador emphasized the need of sharing the experience in view of improving the administration of juvenile justice.

The Chief Justice, Mr. Chunga, was invited by Justice Tunoi to give his official opening address. Mr. Chunga emphasized the importance of the seminars and its objectives by going through the topics to be covered during the 4-day seminar. In view of making the participants appreciate adequacy or otherwise of the existing legislation for deliberations and recommendations during the seminar, the Chief Justice quoted various sections of different Laws of Kenya that deal with definition of a child and children issues. He also gave types of cases that are handled by the Juvenile Court besides observing that there is no legal provision that exhaustively spells out the rights of a child in Kenya. Since the ratification of the Convention on the Rights of the Child in 1990, Kenya is taking speedy steps and has formulated the Children Bill, which is awaiting enactment by the parliament. He declared that the Kenyan Judiciary wishes to harmonise the national legislation with the international standards for eventual inclusion in the Development Plan, Law Reform, and policy development so as to safeguard the rights and to promote the protection of children. In this respect he urged all the juvenile justice agencies in the world to intensify support for efforts to promote development of effective justice responses through strengthened co-operation, networking and development of national and regional protocols and bilateral/multilateral arrangements. The co-operation and collaboration exemplified in harnessing resources for the hosting and conducting of the Kenya-UNAFEI Joint Seminar was gratifying and a step in the right direction.

Describing the seminar as unique and a pioneer, Justice Chunga said that it would create awareness needed for corporation and co-ordination in the administration of juvenile justice among all the juvenile justice agencies. The Chief justice expressed confidence that the seminar would come up with suggestions, appropriate practical and valuable recommendations on how to develop strategies, interventions and programmes for promoting effective administration of juvenile justice and rehabilitation of juveniles and their integration into their families and communities at large. He said that the government is ready to include all issues relating to children in its future plans and courts are ready to do their best besides accepting constructive comments that enable them to go forward in carrying out their mandates. He called for establishment of more juvenile courts with properly trained magistrates to handle juvenile matters.

Before declaring the seminar officially opened, the chief Justice thanked the seminar organising committee, UNAFEI, the Ministry of Home Affairs and the participants for making the seminar a success. He concluded that the seminar's good attendance was evidence of the concern of the participants over the effective administration of juvenile justice.

Keynote Address

Mr. Kitada, the UNAFEI Director gave the keynote address entitled "UNAFEI's Approaches to Juvenile Justice". After acknowledging the dignitaries present and thanking the Government of Kenya, the Judicial Training Committee and JICA for their role towards the realisation of the Kenya-UNAFEI Joint Seminar, Mr. Kitada gave UNAFEI's historical perspectives including its international training courses and seminars in the field of criminal justice. He stated that of the 150 UNAFEI course participants from Africa, Kenya has had the highest number (40) and Kenya was the first to host a UNAFEI Joint Seminar outside of Asia. Mr. Kitada observed that the attendance of high ranking and honourable judicial administrators is a demonstration of the importance the Kenyan Government attaches to the administration of juvenile justice and co-operation with UNAFEI in training Kenyans. In reference to the theme of the seminar, "Effective Administration of Juvenile Justice", Mr. Kitada remarked that in the last five years UNAFEI has had its experts attached to Kenya's Children's Department and it continues training the departments personnel in Japan on the treatment of juvenile delinquents.

In reference to his team's previous week's visits to criminal justice agencies, he noted that Kenya is experiencing a street children problem. In this regard he emphasized the importance of "the Vienna Declaration on Crime and Justice: Meeting the Challenge of the Twenty-first Century".

Taking the practical approach towards the administration of juvenile justice and learning from the previous week's visit to Kenyan criminal justice agencies, Mr. Kitada pointed out problems relating to: 1) community programmes and 2) judicial proceedings of juvenile cases. Taking the comparative approach to the problems, he referred participants to international instruments such the Convention on the Rights of the Child, the Beijing Rules and the Riyadh Guidelines and juvenile justice reforms which have taken place in New Zealand, Singapore, the UK and Uganda. Learning from these examples and experiences, he advocated an integrative, multi-agency approach toward the solution of the problems, emphasizing Kenyan *harambee* spirit.

III. PLENARY SESSIONS

Plenary Session 1: The Importance of Co-ordinating Juvenile Justice Agencies

The session was addressed by three speakers: Mrs. Uniter Pamella Kidullah, Director of Public Prosecution, who gave a paper on ‘Juvenile Justice System in Kenya’, Mr. Mikinao Kitada, Director of UNAFEL, on the ‘‘Juvenile Justice System of Japan’’, Mr. Oywa Sika, Deputy Chief Economist, Ministry of Home Affairs, Heritage and Sports on ‘‘Linking Juvenile Justice Agencies’’ on behalf of the Permanent Secretary. The papers were delivered in succession and followed by discussion.

Juvenile Justice Systems in Kenya

Mrs. Kidullah started by expressing the problems on definition in Kenyan law covering juveniles, children and young persons and the varying ages (under 14, 16, and 18) and proceeded to discuss the Children Bill. Although there is only one Juvenile Court in Kenya, the importance of juvenile justice cannot be over-emphasized and the new Children Bill, when enacted, will tackle and clarify issues related to juvenile justice and delinquency. Among other matters, the bill covers parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children. She noted that the recent establishment of the Family Court Division is a move towards a fully fledged Family Court where all the matters relating to children will be dealt with.

Mrs. Kidullah observed that most of the children who appear in courts are those taken by police accused of loitering on the streets during town swoops or committing offences. The police, who are not necessarily trained to handle juvenile cases, prosecute children. Family and interested parties, where appropriate, possible and necessary, defend the child. The courts may require the probation/children officers to investigate and determine the cases: - dismiss, place under probation or put children in correctional institutions, which are very few and deficient.

In conclusion, Mrs. Kidullah observed that the Kenyan Juvenile Justice System is at infancy stage, not well developed and that there is urgent need to improve it by learning and borrowing from Japan.

Juvenile Justice Systems of Japan

Mr. Kitada gave definitions of ‘‘a juvenile’’ and the categories of juveniles who are under the jurisdiction of the Family Court. Under the law, ‘‘juvenile’’ is a person under 20 years of age and that those under 14 years cannot be held criminally responsible. Then, he informed the participants of the current situation of juvenile delinquency in Japan. He observed that the Japanese Juvenile Law aims at rehabilitation through educative efforts to make juvenile delinquents responsible citizens and that the juvenile justice system operates on the philosophy of *parens patrie*, that is, ‘Parents of the Country’. Mr Kitada gave details on how investigation is done by the police, public prosecutors and family court probation officers under the initiation of the Family Courts. The Family Court judges are empowered to authorise detention of juveniles at classification homes for a maximum period of eight weeks.

In Japan, the Family Courts render four types of dispositions on juvenile offenders. These are: sending them for probationary supervision, commitment to support facilities for the development of self-sustaining capacity and children’s homes, commitment to juvenile training schools, and sending the cases to the public prosecutor. Mr. Kitada highlighted on what follows after each disposition. Since juvenile delinquency is a complicated issue for one single discipline or agency to handle, Mr. Kitada advocated effective co-operation, collaboration and co-ordination among concerned agencies and stakeholders.

Linking Juvenile Justice Agencies

Mi Sika underscored the fact that it is the Children's Department that is charged with the responsibility and mandated by the central government to administer the Children and Young Persons Act. However, like else where in the world, the juvenile justice system involves other government organs as well as NGOs. He stated that majority of the children in conflict with the law come into contact with the juvenile justice system through the police. From the police stations, children are arraigned in the court and several options are given, which provide linkages with other parts of the juvenile justice system. Quoting different sections of the Children and Young Persons Act, Mr. Sika outlined the role and linkages of the various departments including the Probation Department, the Children's Department and the Prisons Department, local authorities and the Provincial Administration as well as civil societies, non-governmental organizations and individuals. The law also provides for the establishment of advisory councils/committees at different levels and visiting panels to corrective facilities. Mr. Sika stressed the co-operation of these departments, agencies, authorities, organizations and individuals who are empowered by the Children and Young Persons Act for the welfare of children. In the spirit of the United Nations convention on the Rights of the Child, Mr. Sika emphasized the need for international co-operation including close collaboration with UNAFEI.

He quoted that, in view of developing multi-agency, multi-disciplinary cooperation, district Children's Advisory Committees (DCACs) have been activated since 1991 and that the Strategic Alliance on Children in Conflict with the Law, and its sub-committees, have been developed with the assistance of UNAFEI experts in collaboration with officers in the Children's Department. He observed that linkages and networking would supplement the Children's Department's inadequate resources besides helping alleviate problems facing the juvenile justice system in Kenya such as: congestion in the correctional institutions, delayed judgement, over-presentation of street children and other welfare cases in the criminal justice system, inadequate after care services and duplication of efforts amongst stakeholders. Mr. Sika concluded with the hope that this seminar would map out concrete strategies which respond effectively to these problems.

Discussion

Mr. Bomet (Magistrate) noted and expressed concern over congestion, lack of facilities and poor accommodation in Juvenile Remand Homes.

In response, **Mr. Lundi** (Children's Department) advocated creation of programmes, which seek to divert juveniles from Juvenile Remand Homes.

Mr. Tsutomi (UNAFEI) stated that the diversion project was started under the guidance of UNAFEI experts in 2000.

Ms. Alice Nderitu (Prisons) expressed concern about the limited facility for girl offenders in Kenya, noting the absence of corrective centres for girl child offenders such as borstal institutions in Kenya. She wanted to know how juvenile girl offenders are handled in Japan and also how juvenile offenders with mental problems are handled in Japan.

Justice Oguk recommended the establishment of such institutions.

Mr. Tsutomi observed that there are juvenile training schools for girls. He reported that juvenile offenders with mental ailments are taken to juvenile training schools which are also designated as hospitals.

Ms. Shiundu (A-G Chambers) wondered whether there are pre-trial detention homes specially for girls in Kenya.

Mr. Lundi confirmed that there are no special remand homes for young girls in Kenya. Those under 16 are remanded together with boys; and, in Nairobi, those between 16 and 18 are remanded at Langata Prison.

Mrs. Kidullah (A-G Chambers) wondered whether the police has a policy of arresting juvenile

offenders.

In response, **Mr. Gatere** (police) expressed the need for a co-ordinated approach, which is currently lacking, between the police and other juvenile justice agencies before arrest. On police arrests, **Mr. Kundu** (police) stated that the arrests are done after complaints and during the clean up operations in the process of crime prevention.

Mr. Judy (FIDA) stressed the need to do something before the children come into conflict with the law. She emphasized that these issues should be addressed at the grass roots.

Mr. Mutitu (CSO) expressed the need for collaboration of all children agencies so that they can address the issue of congestion in children's institutions.

Mr. Gitau (UNAFEI Alumni) recommended that there should be a clear distinction on the mode of the treatment for child criminal offenders and those involved in civil matters and welfare issues.

Mr. Lundi stressed the need for proper co-ordination of the juvenile agencies and that the remanding of child criminal and civil offenders together should stop.

The following are recommendations made:

- Research should be made pertaining to the reason of recidivism.
- Institutionalised and community-based strategies should be co-ordinated.
- Police should establish children's issues report desks in each police station, manned by child friendly officers trained in children's issues.
- Diversion of juvenile cases should be encouraged and enhanced.
- A filtering/screening process should be done at the police station level (and other levels) so that children's officers/DCACs can advise on which cases to take to court or otherwise at that initial stage.
- The police should make efforts to find parents of children before taking them to the court.
- Juvenile offenders and adult offenders should be separated.
- Matters of juvenile care and protection should be taken to family courts.
- Prosecutors at juvenile courts should be female, if possible.
- Establish more juvenile courts manned by specially trained magistrates on children's issues.
- Officers on the ground should be supported so that they can assist families whose disorganization is the root cause of delinquency.
- Children Officers should be made responsible for the implementation of community service orders.
- The government should lift employment embargo and employ more children officers at district level.
- Mobilisation and enhancement of DCAC resources for the benefit of juveniles should be done, especially to render assistance to parents.
- A national co-ordinating agency composed of major stakeholders should be established to co-ordinate children's issues.
- The creation of the Ministry of Justice to handle all matters related to criminal justice issues should be considered.

Plenary Session 2: The Role of Police and Prosecution in Juvenile Justice

The session was addressed by four speakers: Mr. Junichi Yamaguchi, National Police Agency of Japan, who gave a paper on "The Role of the Police in Juvenile Justice in Japan", Mr. Yasuhiro Tanabe, Professor of UNAFEI, on "The Role of Public Prosecutors in Juvenile Justice in Japan", Mrs. Mary Mwangangi, S/ACP of the Police Headquarters, on "The Role of Kenyan Police in Juvenile Justice" and Mr. Joseph Kundu, Superintendent of Police of the Criminal Investigation Department, on "The Role of the Criminal Investigation Department in Juvenile Justice". The papers were delivered in succession and followed by discussion.

The Role of the Police in Juvenile Justice in Japan

Mr. Yamaguchi emphasized the fact that the prevention of juvenile delinquency is to the advantages of juveniles themselves, their families and society at large. In dealing with juvenile delinquency, the police has to bear in mind the prevailing societal changes and use different approaches according to the causes of the crime as well as the situations of the period. The police are the first body that come into contact with the juvenile delinquents and have to ease the public's anxieties by tackling the delinquency problems.

In accordance with relevant laws and bylaws, the aim of the police investigations of juvenile cases is to contribute to the sound development of juveniles. Mr Yamaguchi gave the categories of cases the police has to refer to the Family courts. He observed that juvenile investigation by the police and the eventual handling of the cases at the Family Courts aims at the protection and fosterage of the juveniles. Then, he elaborated the rules and principles governing the investigation of juvenile cases.

Mr Yamaguchi observed that, when interviewing juveniles, the police must find not only the facts related to crime but also the facts regarding the necessity for protection on a voluntary basis. Also, although laws governing the investigation of juvenile and adult cases are basically the same, the police must take compulsory measures for juveniles only in unavoidable circumstances considering the ill-effects of those measures upon the mind and body of a juvenile. Also, the taking of fingerprints and photographs and the publicized investigation of juvenile cases should be avoided as much as possible.

With the possibility of an increase in complicated and tough juvenile cases in Japan and to maximise the limited investigation capacity, Mr Yamaguchi urged for strengthening the investigation system for juvenile cases by ensuring a higher level of proof (e.g. securing objective evidence and reviewing inconsistencies in investigation documents) as well as reorganizing the police system (e.g. setting up and enlarging Juvenile Case Special Investigation Branches and strengthening the cross-sectional investigation capacity). Also, he touched upon the recent efforts to meet the needs of victims of juvenile cases.

He recommended to Kenyan police that juveniles should be separately detained from adults and that police officers should respect children's rights besides using child-friendly interview techniques and procedures conducive to the best interests of children.

The Role of Public Prosecutors in Juvenile Justice in Japan

Mr. Tanabe started his address by informing the participants that there are no police prosecutions in Japan. He gave an outline of the organisation and functions of the public prosecutors. The qualifications and ranks of the prosecutors are the same as those of judges. Prosecution is part of the executive arm of the government under the Minister for Justice and that there are no private prosecutors.

Mr. Tanabe highlighted the criminal procedure and duration for the adult cases including arrest cases, disposition of cases and criminal trial procedures. After the case is referred to the public prosecutor, both the police and the public prosecutor conduct investigations and interviews of suspects and witnesses. Public prosecutors also deal with juvenile cases referred to them. As to adult cases, public prosecutors are exclusively empowered to decide whether to prosecute or non-prosecute but not as regards juvenile cases.

Mr. Tanabe observed that juvenile cases are for those between 14 and 19 as those under 14 have no criminal responsibility. Although the investigation procedures and handling of juvenile cases is very similar to that of adult criminals, special care and attention is paid to juvenile delinquents. For instance, for offences punishable by fine or lesser penalty, police must refer the juvenile case directly to the Family Court. Only under unavoidable circumstances, juveniles are detained. Detained juvenile suspects are kept separate from adults and preferably in Juvenile Classification Homes instead of detention houses or police jails.

The Juvenile Law upholds sound and wholesome development of juveniles rather than punishment and therefore the public prosecutors must submit all cases to the Family Court which handles all the juvenile cases. The family court determines the necessity of protective measures and it may refer the case back to the public prosecutor (about 3.5% cases are referred back annually). With effect from April 2001, the amended Juvenile Law requires that juveniles over 16 years with serious cases be referred to public prosecutors and their cases be processed like those of adults and allows a public prosecutor to participate in family court proceedings. Viewing this enhanced involvement of public prosecutors in juvenile justice, Mr. Tanabe emphasised their role to secure the due process of law and the protection of juvenile rights.

The Role of Kenya Police in Juvenile Justice

Mrs. Mwangangi outlined the organisation of the police force from the commissioner down to the station level. In Kenya, the police investigate and prosecute all the cases found by or reported to them. She gave an example of offences against juveniles and offences committed by juveniles. For prevention of offences against juveniles the police use education and patrols.

Mrs. Mwangangi observed that most of the offences committed by juveniles are due to poverty and other social predicaments. Mrs. Mwangangi highlighted suspects' rights including right to being taken to court within 24 hours, or 14 days depending on the crime, right to contact a lawyer and have a medical examination, and right to be informed of the reason for arrest. She explained how suspects are separated in police cells by age and sex. As to child suspects, they should be released to parents on bond or cash bail unless exceptions apply.

The problems encountered by the police in respect to juvenile victim cases include an unwillingness of the victims to report to police, unwillingness to be a witness due to prolonged trials, unwillingness of some doctors to fill P3 forms as they are expected to be witnesses, lack of corroborative materials/evidence and limited number of police doctors (only available in Nairobi).

In respect to juvenile matters, Mrs. Mwangangi noted that a new curriculum for training police on children issues has been introduced at the training college, that a project on diversion has been started in Nairobi, Nakuru and Kisumu and that provincial training centres for training police officers in juvenile issues will be established. Further, a special desk to be manned by officers specially trained on juvenile matters.

The Role of the Criminal Investigation Department in Administration of Juvenile Justice

Mr. Kundu started by expressing appreciation for the good opportunity the seminar has accorded agencies for juvenile justice administration to deliberate over juvenile issues. He enumerated where disadvantaged children are found in the urban centres and their plight. Many of these children have never been to school and/or dropped out of school too early.

Mr Kundu said that if juvenile delinquents are not taken care of and reformed (rehabilitated) they would graduate into adult criminals and be a great risk to society. He observed that the rate of juvenile crime is on the increase. In Kenyan Law, a juvenile is a young person under the age of 18 and that the word "juveniles" is used interchangeably with the word "child". He defined juvenile delinquency as referring to the commission of faults, misdeeds and crimes by juveniles. Other than delinquency, children are placed in the system because they need care and protection. Then, he listed institutions that are involved in juvenile justice in Kenya

The arrested juvenile offenders are not supposed to be mixed with the adult offenders. Currently there is only one juvenile court in Kenya, which is in Nairobi, which has jurisdiction over the juvenile cases except in homicide cases. The police do the prosecution of the delinquents and the policemen prosecuting

juveniles do not wear police uniform and are expected to be child-friendly. Lack of children-friendly police cells and of proper-trained police officers in children matters are some of the constraints facing police in handling juvenile issues.

Discussion

Justice Mbogholi wondered why the system does not discourage adults from misleading the juvenile. He urged for the establishment of special desks in the police stations and the posting of children officers at the desk. He recommended that the police should be trained in law, preservation of exhibits and in a bit of medicine. He observed further that child victims should not be ordered to come face to face with their assailants while giving evidence. Justice Mbogholi noted that there is lack of child-friendly police cells in Kenya and wondered whether the country has no adequate funds to establish these. He also commended the Japanese system because the prosecution of juveniles is considered to be the last resort.

Mr. M. Dennis, the Children Officer Garissa, made a strong appeal to the Police Department to urgently have all police officers in all the stations handle children in a more humane manner.

Ms. Sijedi (FIDA) emphasized the need for public awareness on how to tackle children issues. She called for the establishment of a special desk at the police stations for handling woman victims and more protection homes for children who are abused.

Mr. Lundi (Children Department) informed the seminar that there are about 300 private children homes in Nairobi. There is only one government children home in Nairobi, which caters for children aged less than 6 years. He suggested that a directory of addresses of these homes be made and circulated. Also, Mr Lundi strongly recommended establishment of a special police unit for handling children issues only and urged that police should be retrained on the standards of treating offenders. Mr. Lundi reminded the police that they should be finding the parents of the children whom they arrest as provided for in the Police Force Orders. He further recommended that:

- Children should be charged for specific offences whenever arrested (not for protection and discipline).
- Diversion should be encouraged and enhanced at the police station level so that taking a child into police custody may be done as a last resort.

Mrs. H. O. Omondi (S.P.M., Thika) stated that the use of dolls in court proceedings and in police investigation should be encouraged as this would promote giving evidence by children - for instance, in case of sexual assaults. Children could demonstrate the actual body parts that were abused.

In summarising the day's proceedings, **Mrs. Wachira** (P.M., Milimani Commercial Court) observed that the procedures of handling cases of child suspects in Japan and Kenya were discussed and so was the role of police and public prosecutors in Juvenile justice. She contrasted Kenya Juvenile justice system with Japan and noted that investigations of juvenile delinquents are thoroughly done in Japan.

Plenary Session 3: The Role of Judiciary in Juvenile Justice

The session was addressed by four speakers: Mr. Toru Miura, Professor of UNAFEI, on "The Role of Family Court in the Administration of Juvenile Justice in Japan", Mr. Kazuaki Hashimoto, Family Court Probation Officer of Osaka Family Court, on "Role of Family Court Probation Officers in Japan", Mrs. S. Omondi, S.R.M. of Nairobi Juvenile Court, on "The Role of the Juvenile Court in the Administration of Juvenile Justice In Kenya", and Justice Joyce Aluoch, Judge of High Court, on "The Role of the Family Court in the Administration of Juvenile Justice in Kenya".

Role of Family Court in the Administration of Juvenile Justice in Japan

Mr. Miura gave a detailed account of the structure of the court system in Japan, focusing on the Family Court which has been established with the aim of maintaining peace in the family and promoting the sound upbringing of juveniles. After briefing its history, Mr. Miura explicated the procedure for juvenile cases taken in the Family Court which deals with all juvenile cases in Japan. He highlighted its characteristic features, jurisdiction, referral to the court, court procedures, and adjudication.

The court makes a final decision based on upon the evidence submitted by the investigative agency, the social inquiry report by the family court probation officer and the results of the hearing. Most of the juvenile cases are dismissed without or after hearing. Upon some are imposed protective measures such as probationary supervision, committed to Support Facilities for the Development of Self-sustaining Capacity, Children's Homes or Juvenile Training Schools while some are referred to Children Guidance Centre or to public prosecutors. Further he elaborated how the juvenile case is handled after it is sent to the public prosecutor in the criminal court.

Mr. Miura touched upon the recent amendments to the Juvenile Law and concluded that strong paternalism still features in the juvenile justice system in Japan.

Role of Family Court Probation Officers in Japan

Mr. Hashimoto defined the Family Court as a special court that deals with family affairs and juvenile delinquency and performs both judicial and welfare functions. He stated that the family court probation officer is responsible more for the welfare functions.

He highlighted the responsibilities of the family court probation officers juvenile justice in Japan and procedures they use in assembling information on juveniles. The officers operate under the orders of the family court judges. The officer's "social investigation report" covers the juvenile's social background and environment. The report plays a key part in determining the most effective court dispositions of treating a juvenile. Mr. Hashimoto gave data on the kinds of juvenile delinquency and family court dispositions in Japan in 1999.

As the officers conduct investigations, they also educate the juvenile so that the case can be dismissed by the court. Educational actions include interviews, lecture classes, community service work and camps for training activities as well as tentative probationary supervision.

In conclusion, he observed that since most juvenile delinquents who come from disadvantaged environments are amenable to environmental changes, the courts must select the most appropriate measures based on thorough social investigation and family court probation officers have a special mission to prevent child-abuse, which is a cause of delinquency.

The Role of the Family Court in the Administration of Juvenile Justice in Kenya

Justice Aluoch elaborated on the short history and structure of the Family Division of the High Court of Kenya since its launch in December 2000. It emanated from a judicial workshop recommendation that a separate juvenile Justice System should be established in Kenya. She noted that those working in the division are in a learning process of how to go about things and that when the Children Bill 2001 is enacted the process will be facilitated.

Currently, the family Division exercises civil jurisdiction such as: probate and administration, marriage divorce and special separation, division of matrimonial property, maintenance and alimony, adoption and custody of children and burial disputes. However, the Children's Bill will establish the

Children's Court and appeals against the Children's Court decisions are assumed to lie in the Family Court Division of the High Court. She emphasised that the Division in exercise of its civil jurisdiction plays a protective role towards ensuring that children do not become delinquents.

She argued for the establishment of the Family Division in all high court jurisdictions which has been operational only in Nairobi. Further, she explained the division's efforts to make succession procedures more friendly to HIV/AIDS widows.

The Role of the Juvenile Court in the Administration of Juvenile Justice in Kenya

Mrs. Omondi, referring to the Children and Younger Person's Act in Kenya, informed the participants that the Juvenile Court was established as a Special Subordinate Court mainly for purposes of hearing all charges against persons under 18 years except where such juveniles are jointly charged with a person of over 18 years of age.

Like in Japan all juvenile cases are heard without publicity, i.e. in privacy. The Court follows the adversarial legal system. The charges are read in a language the juvenile understands best. The magistrate must explain the proceedings to the child and assist the child in going through the trial. She said that hearing the evidence against the child is the most challenging task of a Juvenile Court magistrate. Unfortunately due to immaturity and lack of legal advice many charged juveniles, when put in the dock, remain quiet or plead guilty. On bailbonds, Mrs. Omondi observed that as many charged children come from humble families the Court does not insist on sureties or cash bails and that relatives of these juveniles have invariably been obliged to take back to the Court children released on bond. Apart from criminal cases the Court handles cases of children in need of protection and discipline as well as protection and care.

It is necessary that a Social Worker's Report by a Children's Officer or Probation Officer assists the magistrate in determining cases in the best interests of the child. For criminal cases, the law provides orders such as unconditional and conditional discharge with/without commitments, payment of fines or compensation, supervision by a Probation Officer, commitment under the care of a fit person, approved society or a voluntary institution, commitment to approved school, borstal institution or prison and any lawful order (including community service for those over 16).

Since there is only one Court in Nairobi, magistrates convene ad hoc juvenile courts in other stations. Mrs Omondi noted a lack of adequately trained magistrates on handling juvenile cases and facilities including those for offering children protection

Discussion

Mr Bomet wished to know what happens to children in Japan when a single mother is jailed. In response the participants were informed that the relatives were left to look after the children and if there were no relatives to do so, children would be taken to welfare organisations.

Mrs. Wachira wished to know how transnational crimes involving children (e.g. child trafficking and child pornography) are handled. The participants were informed that very few such cases have been reported to the court and that, if such cases arise, recourse to international law should be sought. **Mr. Indidis** (police) informed that in case of cross border crimes, these should be referred to Interpol.

Mrs. Wachira also wished to know who is failing, Police or Children Officers, since the problem of the street children persists and is escalating. In response, participants learned that there are over 60,000 street children in Kenya, a figure that is alarming; children are swooped on in the street by the police and brought to court without proper grouping/classification. Most street children in Nairobi come from up country, especially Nyanza Province due to poverty which is brought by HIV/AIDS epidemic in that area. Street

children use different names every time they are caught and, due to the poor record keeping of the police and the court, one child may have over 10 criminal files under different names. The National Steering Committee on Children chaired by the Vice President is addressing the issues of the street children. **Mr. Indidis** (Police) informed the seminar that a police inspector is a Children Officer for the purpose of Cap.141. He observed that very few agencies use police as Children Officers.

Justice Mbogholi noted that there is need for further training of magistrates handling juvenile cases. He called for the development of a training curriculum for magistrates dealing with juvenile justice matters. He expressed concern over the delay in passing the Children Bill. He also suggested that refugee children should be repatriated to their home countries through the Director of the United Nations High Commissioner for Refugees.

On female Genital Mutilation (FGM), Mr. Bwonwanga observed that it is difficult to enforce a law without social support. It is therefore necessary that the public be sensitised on the dangers FGM poses.

Plenary Session 4: Treatment of Juvenile Delinquents

This session had five papers delivered on the topic. Mr. Tsutomi, professor of UNAFEI, addressed the seminar on “Institutional Treatment of Juvenile Delinquents in Japan” and Ms. Kakihara, professor of UNAFEI, on “Community-Based Treatment of Juvenile Delinquents in Japan” while Mr. Ole Kwallah, Director of the Children’s Department, addressed the seminar on “The Role of the Children’s Department in the Treatment of Juvenile Delinquents”; Mr. Odongo, the Senior Assistant Commissioner of Prisons, on behalf of the Commissioner of Prisons, on “The Role of the Prisons Department in the Treatment of Juveniles and Delinquents”; and Mr. Muhoro, the Director of Probation Department, on “The Role of the Probation Department in the Treatment of Juvenile Delinquents”.

Institutional Treatment of Juvenile Delinquents in Japan

Mr. Tsutomi who has collaborated and worked with officers from the Children’s Department in Kenya for the last 3 years as a short term UNAFEI expert and is very familiar with the department institutions, their management and treatment of juvenile delinquents in Kenya, gave a comprehensive and detailed account on the treatment of juvenile delinquents in Japan covering: types and number of institutions and its management structure. Commenting on the institutions that have welfare- or education- orientation and those with discipline orientation, he observed that “the realisation of a good balance of welfare and discipline is always a challenge” both in Japan and Kenya.

Mr. Tsutomi highlighted the classification system and progressive treatment system, both being fundamental to the success of Japanese juvenile corrections. The main objectives of classification are the separation of juveniles according to their needs and the prevention of criminal contamination. The progressive treatment system provides a framework in which various demands relating to the maintenance of security and the rehabilitation of juveniles in institutional settings are met. In conclusion, he recommended the adoption of classification and progressive treatment systems in Kenya.

Community-Based Treatment of Juvenile Delinquents

Ms. Kakihara gave a detailed account of the organisations and procedures of community-based treatment of the juvenile delinquents in Japan, which is under the Rehabilitation Bureau of the Ministry of Justice. Community-based treatment of juvenile delinquents consist of two parts: probationary supervision of juveniles adjudicated by the Family Court and parole supervision of juveniles released from a juvenile training school.

She differentiated the probation officers who work for the Ministry of Justice who do not perform any duty on pre-sentence investigation as this is done by the probation officers under the Family Court. The former work relates to those whose cases have been adjudicated by the Family court. The probation officers, who are full time employees of the Ministry of Justice, are assisted in the work by the Volunteers Probation Officers of whom there are about 50,000. The professor also explained other forms of non-governmental assistance to juvenile probationers/parolees rendered by halfway houses, Women's Association for Rehabilitation Aid (WARA), Big Brothers and Sisters (BBS) Association and Cooperative Employers. She gave an example of a halfway house that has a juvenile vocational training programme that is rehabilitative in nature.

Ms. Kakihara observed that immediately a juvenile is taken into custody, the institutions start working on the environment adjustment for the inmate as this is crucial in avoiding recidivism in collaboration with the probation officer and the VPO assigned. The successful environmental adjustment is necessary for parole to be granted. She explained probation/parole conditions and exhaustively described the supervision process and types of treatment the parolees and the probationers undergo.

Ms. Kakihara gave a narration on the historical development, recruitment and activities of the volunteer probation officers including their crime prevention activities in collaboration with other community organisations. She gave advantages of having the VOP system as well as problems experienced and countermeasures being taken.

The Role of the Children's Department in the Treatment of Juvenile Delinquents

Mr. Ole Kwallah gave a historical background and evolution of the Children's Department since 1910. Currently, its legal status and mandates are based on the Children's and Young Persons Act, Cap. 141 Laws of Kenya. He said that the department aims at developing and promoting stable childhood and responsible adults.

Mr. Ole Kwallah observed that in Kenya there are mainly two services provided by the Children's Department, namely: field services and institutional services. As to field services, he highlighted the involvement of the operations of the children officers in the field and how juveniles end up in courts. He also outlined how juvenile cases are disposed in accordance with the law: e.g. release to parent/guardian, local authority for care, supervision of an approved officer and commitment to approved school. He enumerated the role of social enquiry reports prepared by the Children's Officers in the determination of the disposition. He further elaborated on recent developments and efforts stimulated by the technical assistance of UNAFEI experts such as the revitalization of District Children's Advisory Committees, the introduction of Volunteer Children Officers, the standardization of filed practices and the diversion projects.

As to institutional services, the department runs 11 juvenile remand homes, and 11 approved schools (including one reception centre which has been conducting the classification of juvenile delinquents). There is only one approved school for girls and none for the disabled. The capacities of these are over-stretched. For instance, Nairobi Juvenile Remand Home, that was designed for 80 children, (after a police swoop) was forced to accommodate over 500. The Remand Homes provide safe custody for under 16 year olds whose cases are pending in court. The approved schools function as reception, maintenance, rehabilitation and training of juveniles sent there by courts and has a capacity for 2,290. Mr. Ole Kwallah mentioned the technical assistance by UNAFEI experts has brought development in areas of individualized treatment, assessment and classification of juveniles.

The Role of Prisons in the Treatment of Juveniles and Delinquents

Mr. Odongo delivered the paper on behalf of Mr. Kamakil, the Commissioner of Prisons. He started by giving the mission and vision of the Department besides enumerating the objectives of the department,

which are basically rehabilitative rather than punitive. The Department has 87 penal institutions for adults, 2 borstal institutions and 1 youth corrective training centre (YCTC). The latter three institutions currently have 668 boys. There is no borstal institution for girls. The Department manages borstal programmes for the juvenile offenders aged 15-17 who may be in the institution for a maximum of three years. Mr. Odongo gave conditions for admission and discharge to borstal institutions and the role of the recommendations of the Board of Visitors in releasing the inmates. The board also has schedules for visiting the institutions to hear the inmates' complaints for necessary action. He also outlined how inmates are motivated through a grading system, which enhances the rehabilitation process. The borstal institutions offer to inmates formal education and technical training as well as social/spiritual counselling.

The YCTC handles juvenile delinquents who are 17-21 years and first offenders for a maximum period of 4 months during which they undergo intensive corrective measures.

Mr. Odongo made several recommendations including construction of more borstal institutions especially for girls; and an integrated approach to combat juvenile delinquency whereby the administration of the juvenile justice system would involve other stakeholders including communities. He stated that his departments wish was to ensure respect for the UN Standard Minimum Rules and other legal safeguards.

The Role of the Probation Department in the Treatment of Juvenile Delinquents

Like other Kenyan speakers, Mr. Muhoro quoted the relevant provisions of the law (Cap 64 in Laws of Kenya) under which his Department operates and the definition of juvenile and juvenile delinquency. The Department handles juvenile delinquents on probation given to it by the courts. It is also mandated to conduct social inquiry on both juvenile and adult offenders as required by the courts. Mr. Muhoro observed that as their social inquiry reports play roles in the court: they are involved in 95% of committals to community training, 80% of committals to borstal institutions and 50% of committals to approved schools.

On rehabilitating juveniles on probation, the probation officers have three concerns: security of the community, safety of the offenders and reforming the offender while residing in the community. There are 3 probation hostels for boys and one for girl probationers. The hostels are run under the philosophy of "home away from home" and probationers are placed there for a period ranging from a few hours/days to a maximum of one year. In the hostel the probationers are assisted in discovering the potential for normal and community acceptable living standards. He informed the seminar that district Probation Case Committees, whose members are drawn from government, NGOs and private individuals for reviewing cases of both juvenile and adults have been established.

In summarising the role of the department, Mr. Muhoro said that the department is constrained in its work due to lack of adequate transport and emphasised the need for participation and collaboration of key players in juvenile Justice system administration.

Discussion

A participant wondered whether there is any way of ensuring offenders from Borstal institutions are gainfully occupied. He was informed that tools relevant to the vocational course one would have studied are given and further that probation officers try to attach them to the experienced counterparts and parents are also asked to make arrangements that would provide continuity on trade the probationers will have started or gained.

On a question as to who finances the juvenile services and especially the institutions, the seminar was informed that in Kenya the government basically finances the juvenile services. To reduce institutional expenses, diversion methods are being applied.

On how the old voluntary probation officers (VPO) who are 60 years old and the young offenders relate in Japan, Ms. Kakihara explained that there is problem between old volunteer probation officers and the juveniles. She stated that it is not easy to get young VPOs willing to be recruited

A participant wanted to know why VPOs are not recruited to work in all the stations/districts. The seminar was informed that the concept of VPO is new in Kenya although a few VPOs have been recruited and that a Cabinet Paper on the establishment of the VPO system has been prepared. When the Cabinet Paper is approved and passed, the VPO will get legal status and support.

Plenary Session 5: International Contribution to Kenyan Juvenile Justice

This session was addressed by six speakers. Mr. Someda, Professor of UNAFEL, on “International Instruments in the Field of Juvenile Justice”, Dr. E. P. Kibuka, Acting Director of UNAFRI, on “Juvenile Justice Reform: Uganda Experience”, Mr. Hamish Young, Emergency Child Protection Officer, of UNICEF-Eastern and Southern Africa Regional Office, on “Protection of Children’s Rights-UNICEF’s Approach in the Administration of Juvenile Justice”, Ms. Diane Swales and Ms. Joyce Mwangi, Save the Children (UK), on “Appropriate Responses for Children in Conflict with the Law” and “Save the Children (UK) Review of Juvenile Justice in Kenya”, respectively, and Ms. E. Ogwang, ANPPCAN-Kenya Chapter, “Putting Repair before Revenge: The Role of NGO’s in Juvenile Justice Reform”.

International Instruments in the Field of Juvenile Justice

Mr. Someda gave a historical development of the international instruments in the field of juvenile justice, namely, the Convention on the Rights of the Child (CRC). The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), The United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines).

He focused upon a Child Rights perspective adopted by the CRC in which children were for the first time acknowledged as holders of a specific body of identifiable rights and the four principles of the CRC: participation, protection, prevention and provision. He pointed out that all rights are holistically dovetailed together to complement each other. Then he highlighted the relevant provisions in the CRC and other international instruments.

Excerpting international umbrella principles from these instruments, Mr. Someda emphasized the importance of well-resourcing juvenile justice, paying paramount consideration to children’s interests, facilitating children’s reintegration to society, and having children express their views. Further, he drew attention to prevention, diversion and restorative justice, which are directions to be suggested by the international instruments as regards juvenile justice.

In conclusion, he recommended the introduction of a checking and reporting system to ensure the compliance of juvenile justice practice in Kenya to international instruments and the development of systematic staff training to familiarize them with the instruments.

Juvenile Justice Reform: Uganda Experience

Dr. Kibuka gave a historical background of Ugandan law dealing with the children and attempts made in the 1960s and 1970s to bring pieces of relevant legislation under one law. Although Britain had repealed its laws Uganda had continued applying what they had ‘inherited’ from colonial days. For Uganda, he observed that through the 1980s civil society organizations started the advocacy for law reform. In June 1990 a broad-based multi-disciplinary and inter-sectorial Child Law Reform Committee was appointed. The

committee was empowered to determine its work programme and to co-opt individuals whose experience it considered relevant. The committee's activities were financed by a grant from a donor agency. He elaborated on the procedures, including workshops; the committee employed to get inputs from the stakeholders and members of the public.

The committee submitted its outcome as the Children Bill of 1995. The Bill was enacted by the Parliament as Children Statute, No. 6 of 1996 and a task force on implementation strategies was formed in 1997. The statute concretely sets out what the rights of the child in CRC mean substantially, besides defining the child as a "person below the age of 18" Dr. Kibuka highlighted, in other sections of the Bill relevant to the rights of the child in juvenile justice system. Section 89 raised the minimum age of criminal responsibility from 7 to 12; Section 90 empowers the police to caution and release a child; Sections 17(d) and 90(4) ensures that the child's parents or guardians are involved in the judicial process; and that Section 17(c) ensures the child's right to legal representation, among others.

Dr. Kibuka outlined the Reform implementation process including sensitisation of the public on the statute and issuance of guidelines for the police and the Rules and Regulations for courts. All Magistrate Courts grade 2 were gazetted as Family Children Courts and at every local council secretaries of children affairs were posted. Also prepared were training manuals for personnel handling children issues. The statute was translated in all local languages. However, the country faces challenges and constraints in resources. It has struggled to establish the functioning of Family and Children Courts in all the districts and train an adequate number of magistrates. He regretted that child offenders continue to be mixed with adult offenders and the National Rehabilitation Centre has not been established as stipulated in the Act. In conclusion Dr. Kibuka observed, among other requirements, that the political will and active involvement of all major actors in the juvenile justice system including civil society organisations have been present in Uganda for the reform process.

Protection of Children's Rights-UNICEF's Approach in the Administration of Juvenile Justice

Mr. Young started by saying that although UNICEF has no explicit policy in juvenile justice, its involvement is rapidly growing. His talk is related more to the child protection perspectives reflected in Articles 37 and 40 of the CRC, Beijing Rules and the UN Rules for the Protection of Juveniles Deprived of Their Liberty.

UNICEF's main concern as to juvenile justice is that too many children are detained for no valid reasons related to the nature of the crime or the danger they pose to society. In this regard UNICEF strives and advocates keeping as many juveniles as possible out of the court system and ensuring that viable and appropriate alternatives to custody exist. The three strategies UNICEF pursue to achieve these aims are use of diversion, restorative justice solutions and development of alternatives to deprivation of liberty. Quoting South Africa as a good example of restorative justice, he elaborated and contrasted it with retributive justice.

Activities of UNICEF juvenile justice programmes include a comprehensive assessment and situation analysis; participation in and support of law reform; training and capacity building; and support of pilot projects implementing restorative justice, decriminalisation, diversion or alternative sanctions

Appropriate Responses for Children in Conflict with the Law; and Save the Children (UK) Review of Juvenile Justice in Kenya

Ms. Swales informed the seminar that SC operates in impoverished communities and social protection, welfare and inclusion is one of their core areas, other areas being education; health; food security and nutrition; HIV/AIDS and child labour. Children in conflict with the law are one type of the most marginalized children necessitating social protection. Ms. Swales contended that Articles 37 and 40 of the CRC is of paramount importance to juvenile justice and explained relevant provisions of the CRC and other

international instruments. Then, she stated that based on a research of juvenile justice interventions community-based responses to juvenile offending are in the best interests of children and the most effective. She gave several examples of non-custodial, restorative justice approaches, for example, in New Zealand, Australia, Canada, Uganda and the UK. In conclusion, Ms. Swales stressed the importance of research, the development of comprehensive programmes based on communities and the provision of sufficient resources.

Ms. Mwangi gave a result of their review of the Kenyan Juvenile Justice system. She stated that the SC found five areas of concern: lack of clear differentiation between social welfare and juvenile justice issues; unnecessarily high level of reliance on institutions at the expense of community-based responses; the contravention of children's rights at every stage of juvenile justice system; poor data management; and lack of co-ordination and collaboration within and between key juvenile justice agents. Based on the review, she gave a number of recommendations for promoting co-ordination and collaboration. Finally, she enumerated the diversion project launched by the SC (UK) with the collaboration with key stakeholders in (non-) governmental sectors. The project has been piloted in several towns including Nairobi in Kenya. In the long run diversion would decongest the juvenile justice system.

Putting Repair before Revenge: The role of NGOs in Juvenile Justice

Ms. Ogwang informed the seminar that the ANPPCAN is the Kenyan chapter of the Africa-wide child welfare organization, which has provided services to children within the juvenile justice system. Before explaining their activities thereof, she classified the role of NGOs involved in juvenile justice into three categories as follows: NGOs that provide legal support and protection; NGOs that offer rehabilitative services to children already in the juvenile justice system; and NGOs that concern over the physical welfare of children in the system. Then, she explained that ANNPPCAN has been mainly active in the first category.

She gave data based on the 1998 ANPPCAN study of "Children in the Dock-a situation analysis of the Juvenile Justice System in Kenya", which among other things shows that the most common offence the children were charged for was vagrancy (60%) and that the common disposal methods was repatriation. The study found that the "child minders" in the form of police and other administration officers, rather supporting and helping children, frequently intimidated and manhandled them. After going through this exposure the children were left badly shaken and traumatised.

In her paper, Ms. Ogwang gave elaborate and comprehensive recommendations to improve the administration of juvenile justice such that staff handling juvenile cases as well as children should be informed of children's rights; that case documentation should be improved; and that social background of the cases should be investigated carefully and inform the judgement. Further, she recommended that NGOs offer child rights training to juvenile justice workers, lobby for law reform and simplify and disseminate key legislation, develop a confidential data base of the children, undertake awareness raising campaign and provide legal aid services. In conclusion, she stated that it is only through joint efforts of all the stakeholders that can help in the reform for effective administration of juvenile justice.

Discussion

A question was asked concerning how to ensure the implementation of United Nations instruments and the African Charter. **The Director of the Children's Department** informed the participants that Kenya has been making reports to the UN and that it shall do so under its new bill when enacted. The Parliament will make provision of resources to the Department for the implementation of the bill. A Children Council, composed of the Ministry of Home Affairs Permanent Secretary, local councils, NGOs, Donor Agencies, will formulate instruments for checking implementation of the bill. Further, training of juvenile justice system personnel on CRC principles will be required and the Directorate of Personnel Management is organising training sessions on Human Rights for public officers.

UNICEF reported that it is providing assistance to juvenile justice system towards incorporation of diversion and restorative justice as required by the CRC articles

FIDA stated that it has been training/conducting induction courses for police officers

The following recommendations were made during discussion:

- A national Juvenile Justice Institute should be established. This will be responsible for conducting research, collection of children data and campaign for the Rights of the Child.
- Systematic training programmes for personnel involved in children and juvenile justice system should be instituted and regularised at all levels. Officers handling juvenile issues should be trained in psychology and sociology among other relevant disciplines.
- Public should increasingly be made aware of children rights and the juvenile justice stakeholders should be educated on the CRC and other international instruments on children.
- There should be free provision of legal aid for children in conflict with law. An example is found in Nakuru.
- Children should be educated on their rights and made to participate in ensuring that the rights are upheld. Participation of children in deliberations that affect them should be considered.
- NGOs should pay attention to governmental agencies other than Children's Department. Also, NGOs should pay attention to the progress of governmental services as well as criticize them.

IV. RECOMMENDATIONS

Preamble

Considering the growth concern of the world community in juvenile justice matters, we the participants of a joint seminar on the “Effective Administration of Juvenile Justice System” held at Utalii Hotel, Nairobi – Kenya between the 14 and 17 August, 2001 do recommend the following that:

- (1) A National Juvenile Training Institute should be set up to undertake the following:
 - (a) Training juvenile justice personnel;
 - (b) Conduct research and collate data on juvenile matters; and
 - (c) Conduct public sensitization campaign on all juvenile matters.
- (2) The passing of the Children’s Bill should be done as a matter of urgency by the Parliament. In passing the Bill, the guiding principle should be the best interests of the child. Upon the passing of the Bill proper structures should be put in place to enforce the same.
In enforcing the new Children’s Bill, all pre-trial and trial issues should be disposed off within 3 months save for capital offences. As for capital offences such matters should be disposed off without undue delay.
- (3) The establishment of more juvenile courts and the recruitment of adequate juvenile justice personnel (e.g. Children’s Officers, Probation Officers, etc.) in every district to handle juvenile matters should be urgently undertaken.
- (4) Diversion programmes should be undertaken at the police station and at the court level coupled with the necessary welfare support for the effective integration of the juvenile within the community.
- (5) The Government should enlist the support of the Law Society, NGOs, volunteer organisations, private individuals, and other academic organizations to provide legal and welfare services to the juvenile.
- (6) A National Juvenile Committee should be established headed by the judiciary incorporating all juvenile justice department/agencies, NGOs, civil society organizations to address problems relating to juvenile justice including sourcing for funding.
- (7) The establishment of a special unit in the police force to handle juvenile matters is recommended.
- (8) District Children’s Advisory Committees (DCAC’s) should be strengthened and the full involvement of local authorities in this Committee should be ensured.
- (9) The Government should ensure that the basic needs of children are provided for at all levels of the criminal justice system.
- (10) Regular forums for those involved in juvenile treatment should be conducted to carry out research, establish data-sharing mechanism (e.g. a common case file system) and improvise systems to share resources such as staff, funding and other amenities.
- (11) Juvenile correctional institutions should be classified to prevent contamination among inmates, facilitate interaction with family members and cater for children with special needs such as mental illness.
- (12) Rehabilitative programmes both at institutional and community levels should be strengthened by appropriate staffing, staff training and use of relevant and financial resources.
- (13) Institutional treatment should be linked with community-based treatment to ensure that appropriate after-care services such as tool provision, scholarships etc., are provided.

V. OFFICIAL CLOSING

The Official Closing was attended by Hon. Mr. S. Amos Wako, the Attorney General, Mr. Mikinao Kitada, UNAFEI Director, Mr. Shinichi Matsuura, Deputy Resident Representative of JICA-Kenya Office, and Mr. S. Ole Kwallah, Director of the Children's Department.

Mr. Matsuura was requested to present the certificates to the participants.

Mr. Kitada congratulated all the distinguished participants and organisers for the successful completion of the Kenya-UNAFEI Joint Seminar. He expressed his sincere gratitude and appreciation to the Government of Kenya and JICA for the outstanding and strong support offered towards the hosting and successful completion of the seminar. He thanked the eminent resource persons and chairmen of sessions for ably handling the presentations and deliberations during the seminar. In reference to the seminar he observed that it provided an excellent opportunity for discussing current situation and various issues pertaining to juvenile justice systems in the two countries and beyond.

Mr. Kitada hoped that the outcomes of the seminar will enhance the capacity for treating juvenile delinquents in a fair, legitimate and humane manner. In addition, the outcomes could be used in the development of co-ordinated and effective strategies for the prevention and control of juvenile delinquency and enhancement of juvenile justice administration in Kenya. Mr. Kitada underscored the importance of the joint seminar in bringing together personnel from all the relevant agencies in Kenya to discuss common problems and identify possible solutions for meeting prevalent challenges facing juvenile justice systems in the country.

In conclusion, Mr. Kitada hoped that UNAFEI will be able to contribute further for the development and improvement of the criminal justice system in Kenya as well as closer and more friendly relations between the people of Kenya and Japan.

Mr. Matsuura first thanked the Kenyan Government, especially the Judicial Training Committee, and UNAFEI which made this seminar successful and expressed his pleasure to host the first UNAFEI Joint Seminar in Africa. He stated that, in this world of globalisation, the expansion of the activities of UNAFEI is appropriate and encouraging in forming networks against crime. Also, he mentioned the networks of Kenyan criminal justice systems should be organized to deal with the issue of juvenile delinquency.

Mr. Matsuura was confident that the participants greatly benefited from the presentations and discussion and that the relationship furthered in the seminar would bring Kenyans and Japanese together and assured the seminar that JICA would look forward to the implementation of the recommendations of the seminar.

After acknowledging the dignitaries present, **Mr. Wako** referred to the Kenya-Joint Seminar as historic and pointed out that its main objective was to find ways of promoting and sustaining an effective system of juvenile justice in Kenya. To emphasise of the objectives of the seminar, Mr. Wako took time to remind the participants of the significance of each topic covered during the 4-day seminar.

Mr. Wako hoped that the Kenyan participants had learnt a lot from the Japanese presentations. He expressed the wish for agencies charged with similar or related tasks to strategize ways and means that enhance their performance. The new Children Bill already in the Parliament for debate exemplifies the Kenyan Government's commitment to children matters. He stated that the bill addressed most of the concerns voiced at this seminar. He urged for the intensification of efforts for co-operation and collaboration by juvenile justice personnel.

Mr. Wako thanked the seminar sponsors for making the holding of the seminar possible, the experts

from Japan for their invaluable contributions, the Kenyan resource persons and committees for their concerted efforts that made the seminar a success. Before declaring the seminar officially closed, Mr. Wako stated that the participants' contribution and recommendations will go a long way in streamlining the effective administration of Juvenile Justice

In passing the vote of thanks, **Mr. Ole Kwallah** referred to the seminar as an eye opener and that it had achieved all its objectives. He assured UNAFEI, JICA and the Japanese Government that all would be done to systematically implement the seminar's recommendations besides maintaining close collaboration and co-operation between all the justice agencies in implementing the recommendations.

On behalf of the participants, Mr. Ole Kwallah expressed gratitude and appreciation to all officials and heads of departments for their support and for facilitating attendance. He paid glowing tribute to the Chief Justice, Judicial Training Committee and especially its chairman, Justice Tunoi, the UNAFEI Director, Japanese Ambassador, Permanent Secretary of the Office of the Vice President and MOHA, Commissioner of Police, Director Probation and Aftercare and CID, the Attorney General, the seminar organising committee, the JICA-Kenya Office, UNAFEI professors, and the participants. He thanked the resource persons, the secretariat and the hotel management for their efforts and remarkable contributions to the seminar.

SCHEDULE

KENYA-UNAFEI JOINT SEMINAR 14 – 17 AUGUST 2001, NAIROBI, KENYA

“EFFECTIVE COORDINATION AND COOPERATION OF CRIMINAL JUSTICE AGENCIES IN THE ADMINISTRATION OF JUVENILE JUSTICE”

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| 14 August | <p>Opening Session</p> <p>Welcome Remarks by Hon. Justice Mr. Philip K. Tunoi, Kenya Welcome Remarks by Hon. Chief Justice Mr. Bernard Chunga, Kenya Keynote Speech by Mr. Mikinao Kitada, Director, UNAFEI, Japan</p> <hr/> <p>Session One: Importance of Coordinating Juvenile Justice Agencies</p> <p>Chairperson: Mr. Bwonong’ a, Assistant Director of Prosecutions, Kenya Rapporteur: Ms. Sarah Shindu, State Counsel, Kenya Paper: Mrs. Pamela Kidula, Director of Public Prosecutions, Kenya Paper: Mr. Mikinao Kitada, Director, UNAFEI, Japan Paper: Mr. Sika Oywa, Deputy Chief Economist, Ministry of Home Affairs, Kenya</p> |
| 15 August | <p>Session Two: The Role of the Police and Prosecution in Juvenile Justice</p> <p>Chairperson: Mr. Dora Indidis, Legal Officer, Police, Kenya Rapporteur: Mrs. Margaret W. Wachira, Principal Magistrate, Milimani Commercial Court, Kenya Paper: Mr. Junsuke Yamaguchi, National Police Agency, Japan Paper: Mr. Yasuhiro Tanabe, Professor, UNAFEI, Japan Paper: Mrs. Mary Mwangangi, Kenya Police Headquarters, Kenya Paper: Mr. Joseph Kasili Kundu, Superintendent of Police, Criminal Investigation Department, Kenya</p> <hr/> <p>Session Three: The Role of the Judiciary in Juvenile Justice</p> <p>Chairperson: Hon. Justice Mr. Oguk, High Court Kenya Rapporteur: Mr. Antony Lundi, Children’s Officer, Children’s Department, Kenya Paper: Mr. Toru Miura, Professor, UNAFEI Paper: Mr. Kazuaki Hashimoto, Senior Family Court Probation Officer, Osaka Family Court, Japan Paper: Hon. Justice Ms. Joyce Aluoch, High Court Judge, Kenya Paper: Mrs. Scholastica Omondi, Senior Resident Magistrate, Nairobi Juvenile Court, Kenya</p> |

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| 16 August | <p>Session Four: Treatment of Juvenile Delinquents</p> <p>Chairperson: Mr. C. M. Gituma, Senior Deputy Commissioner of Prisons, Kenya Rapporteur: Mr. Oloo, Assistant Director, Probation Department, Kenya Paper: Mr. Hiroshi Tsutomi, Professor, UNAFEI, Japan Paper: Ms. Mikiko Kakihara, Professor, UNAFEI Paper: Mr. S. Ole Kwallah, Director of Children’s Department, Kenya Paper: Mr. J. I. Odongo, Public Relations Officer, Prisons Department, Kenya Paper: Mr. P. K. Muhoro, Director of Probation Department, Kenya</p> |
| | <p>Session Five: International Contribution to Kenyan Juvenile Justice</p> <p>Chairperson: Hon. Justice Mr. Oguk, High Court Judge, Kenya Rapporteur: Mr. Gitau, Former Director of Probation Department, Kenya Paper: Mr. Kei Someda, Professor, UNAFEI, Japan Paper: Dr. E. P. Kibuka, Acting Director of UNAFRI Paper: Mr. Hamish Young, Emergency Child Protection Officer, Eastern and Southern Africa Reigional Office, UNICEF Paper: Ms. Diane Swales, Advisor for Social Protection, Save the Children (UK), East and Central Africa Paper: Ms. Joyce Mwangi, Save the Children (UK), East and Central Africa Paper: Ms. E. Ogwang, ANPPCAN, Kenya Chapter</p> |
| 17 August | <p>Group Workshop Sessions</p> |
| | <p>Rapporteurs’ Meeting</p> |
| | <p>Plenary Meeting: Presentation of Report of Rapporteurs’ Meeting and Adoption of Recommendations</p> <p>General Chairperson: Hon. Justice Mr. Tunoi, Court of Appeal Judge, Kenya General Chairperson: Mr. Mikinao Kitada, Director, UNAFEI, Japan General Rapporteur: Mr. Robert Mutitu, National Coordinator, Community Service Order, Kenya</p> <p>Closing Session</p> <p>Distribution of Certificates by Mr. Shinichi Matsuura, JICA Deputy Resident Representative to Kenya Address by Mr. Mikinao Kitada, Director, UNAFEI, Japan Address by Mr. Shinichi Matsuura, JICA Deputy Resident Representative to Kenya Closing Speech by Hon. Mr. S. Amos Wako, Attorney-General of the Republic of Kenya Vote of Thanks by Mr., S. Ole Kwallah, Director of Children’s Department, Kenya</p> |

LIST OF PARTICIPANTS

| | NAME | DESIGNATION | DEPARTMENT | STATION |
|----|----------------------------|------------------------|-------------------------|----------|
| 1 | George O. Okumu | Supt. In charge | Prison's | |
| 2 | Gicheru Kamore | Supt. In charge | Prison's | Mombasa |
| 3 | Elizabeth Wanjiku Githaiga | Chief Prob.Officer | Probation | Nairobi |
| 4 | Ong'udi Hedwig | S.P.M | Judiciary | Kitale |
| 5 | J.R.Karanja | S.P.M | Judiciary | Machakos |
| 6 | Mwangi Stanley | Snr. Prob.Officer | Probation | Muranga |
| 7 | Jacinta Murgor | Chief Children Officer | Children's | Nairobi |
| 8 | Alice Nderitu | Supritendent of Prison | Prison's | Nairobi |
| 9 | J.I. Odongo | P.R.O. Prisons | Prison's | Nairobi |
| 10 | Hellen Omolo Omondi | S.P.M | Judiciary | Thika |
| 11 | Rhoda K. Muisyo | Children's Officer | Children's | Kabete |
| 12 | Mboga C. Gitonga | P. Magistrate | Judiciary | Nairobi |
| 13 | J.W.O. Oloo | Assistant Director | Children's | Nairobi |
| 14 | Samson J. Guantai | A.C.P | Prisons | Mombasa |
| 15 | Gilbert C. Mutembei | S.P.M. | Prisons | Embu |
| 16 | Mwasiwa Juma Boga | Children's Officer | Children's | Malindi |
| 17 | Moriasi Denis | Children's Officer | Children's | Garissa |
| 18 | Julius K. Yator | Children's Officer | Children's | Thika |
| 19 | Sophia Gatere | Police Prosecution | Judiciary | Nairobi |
| 20 | Margaret W. Buyela | D.Director | Children's | Nairobi |
| 21 | T.O.Auma | S.R.M. | Judiciary | Maseno |
| 22 | W.S.A. Ong'ayo | US.OOP | Office of the President | Nairobi |
| 23 | W.M. Muiruri | S.P.M | Judiciary | Kakamega |
| 24 | Joseph K. Bii | Dep. Prov.Prob.Officer | Probation | Nakuru |
| 25 | Jacinta N. Nyamosi | State Counsel | Attorney G. Office | Nairobi |
| 26 | Judy Ndung'u | Chief Children's Off. | Children's | Nairobi |
| 27 | T. Mwenda Karani | Prisons HQ. | Prisons | Nairobi |
| 28 | Wairimu Thang'ate | Prisons HQ. | Prisons | Nairobi |
| 29 | Josephine M. Murege | Senior Prob. Officer | Probation | Nairobi |
| 30 | Sarah Shiundu | State Counsel | Attorney G. office | Nairobi |
| 31 | Zachary G. Omwega | State Counsel | Attorney G. office | Nairobi |
| 32 | Mr. Robert M. Mutitu | Chief Magistrate | Probation | Nairobi |
| 33 | Joseph K. Gitau | UNAFEI ALUMNI | Alumni | Nairobi |
| 34 | Haron K. Bomett | Principal Magistrate | Judiciary | Nakuru |
| 35 | Dola Indidis | Legal Officer | Police | Nairobi |
| 36 | Charles M.A.Gituma | Senior Dep. Comm. | Prisons | Nairobi |
| 37 | Joshua O. Siambe | Chief Prob.Officer | Probation | Garissa |
| 38 | Margaret W. Wachira | Principal Magistrate | Judiciary | Nairobi |
| 39 | Clement J. Okech | Prob. Officer | Probation | Nairobi |
| 40 | Augustine P. Kaei | Dep. Commissioner | Prisons | Ruiru |
| 41 | Cosmas. N. Kimondolo | Probation Officer | Probation | Eldoret |
| 42 | Lucy Mumbi Gachie | Ag. Dept. Prisons | Prisons | Nairobi |
| 43 | Haron M. Ndubi | Executive Director | | Nairobi |
| 44 | Samuel O. Adol | Social Worker | ANPPCAN-K | Nairobi |
| 45 | Evelynn Ogwang | Sn.Legal Officer | ANPPCAN-K | Nairobi |
| 46 | Lucy Mbatia | S.R.M. | Judiciary | Kwale |
| 47 | Mary M. Mwangangi | S./ACP. | Police Hdqs | Nairobi |

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|----|--------------------------|--------------------------------|-------------------------|-----------------------|
| 48 | Joseph K. Kundu | SP | CID/Police (Prosecutor) | Nairobi |
| 49 | Hon. Justice A. Mbogholi | Judge | Judiciary | Nairobi |
| 50 | Joyce Mwangi (SC-UK) | S.P. Officer | Save the Children(UK) | Nairobi |
| 51 | Diane M. Swales (SC-UK) | Regional Advisor | Save the Children(UK) | Nairobi |
| 52 | Patricia Hari (SC-UK) | Programme Manager | Save the Children(UK) | Nairobi |
| 53 | Hon. Justice Samuel Oguk | Judge | Judiciary | Nairobi |
| 54 | Scholastica Omondi | SRM | Judiciary (Juvenile C) | Nairobi |
| 55 | Ester Wasige | Children's Officer | Children's | Eldoret |
| 56 | Peterson K. Muhoro | Director of Probation | Probation | Nairobi |
| 57 | Winnie M. Makotsi | US/SS | Min. of HAHS | Nairobi |
| 58 | Kabuu B. M. | Snr. Children's Officer | Children's | Nairobi |
| 59 | J.O. Nyaissio | Asst. Director DPM | DPM | Nairobi |
| 60 | Elly O. Akach | P.C.O. | Children's | Kakamega |
| 61 | Charles O. Ondogo | D.C.O | Children's | Naruku |
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| 63 | Sabina Wakio Maghanga | P.E. | Attorney G. Office | Nairobi |
| 64 | Caroline Towett | D.C.O | Children's | Nairobi |
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| 66 | J. M. Bwonwonga | Asst. DPP | AG. Chambers | Nairobi |
| 67 | James Mungai Warui | State Counsel | AG. Chambers | Nairobi |
| 68 | Clement Nyarenchi Gisore | District Children's Off. | Children's | Nairobi |
| 69 | Judith Sijeny-Gombe | Advocate | AG. Chambers | Nairobi |
| 70 | Antony Lundi | Children's Officer | Children's | Nairobi |
| 71 | Shuaib Adam | Regional Security Adv. | JICA | Nairobi |
| 72 | Eric P. Kibuka | Director –UNAFRI | UNAFRI | Kampala |
| 73 | Asako Yamamoto | JICA Volunteer | JICA/JOCV | JICA Kenya Office |
| 74 | Junsuke Yamaguchi | National Police Agency | | JAPAN |
| 75 | Kazuaki Hashimoto | Family Courts Prob. | | JAPAN |
| 76 | Yasuhiro Tanabe | Professor-UNAFEI | | JAPAN |
| 77 | Toru Miura | Professor-UNAFEI | | JAPAN |
| 78 | Mikiko Kakihara | Professor-UNAFEI | | JAPAN |
| 79 | Mikinao Kitada | Professor-UNAFEI | | JAPAN |
| 80 | Hiroshi Tsutomi | Professor-UNAFEI | | JAPAN |
| 81 | Kei Someda | Professor-UNAFEI | | JAPAN |
| 82 | Sika Oywa | Dep. Chief Economist | MOHAHS | Nairobi |
| 84 | Ambrose Ogango | Economist | MOHAHS | Nairobi |
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| 89 | Simon Wasilwa | Secretariat | Judiciary | Nairobi |
| 90 | Edward W. Odhiambo | Secretariat | Judiciary | Nairobi |
| 91 | Emma N. Kinyua | Secretariat | Probation | Nairobi |
| 92 | Fatuma Mwendu | Secretariat | JICA | Nairobi |
| 93 | Milka Karuhi | Secretariat | Judiciary | Nairobi |
| 94 | Samuel Kibe | Prog. Officer | JICA | Nairobi |
| 95 | Justice Tunoi | Judge | Judiciary | Nairobi |
| 96 | Justice Effie Owuor | Judge | Judiciary | Nairobi |
| 97 | Uniter Pamela Kidulla | Director of Public Prosecution | Attorney G. Office | Nairobi |